

Attorney Docket No.: BVTP-P01-539

U.S.S.N. 09/453,109

REMARKS

Upon entry of this amendment, Claims 2-8, 10-14, 16-18, 21, 22, 24-37, and 39-55 constitute the pending claims in the present application. Claims 1, 9, 15, 20, and 38 are canceled without prejudice by this amendment. Applicants reserve the right to pursue claims of identical or similar scope in future continuation or divisional applications.

"New claims 56-58" submitted with the April 9, 2007 response were not entered, and thus need not be "canceled" or shown in this supplemental response.

Applicants' attorney Yu Lu had a telephonic interview with the Examiner on September 4 and 5, 2007 to discuss the pending Final Office Action. Applicants' attorney thanks the Examiner for granting the interview and for providing constructive suggestions during the interview. Substantive discussions regarding the claims are made of record below. Thus this response also constitutes the "complete written statement of the reasons presented at the (September 4, 2007) interview as warranting favorable action" under 37 C.F.R. § 1.133(b).

During the interview, the Examiner indicated that Claims 47-55 are allowed, and if Applicants timely file a supplemental Response to cancel the non-entered "new Claims 56-58," and to amend the dependent claims to depend on the allowed claims, the application would be in condition for allowance. The Examiner also suggested Applicants to amend Claims 36 and 37 to improve form / provide proper antecedent basis.

To expedite prosecution, Applicants have amended the dependent claims to depend on the allowed independent claims 47-52 and 54-55. Claims formerly amended (in the April 9, 2007 response) to depend on the non-entered new Claim 56 are amended in the instant supplemental response to depend on allowed Claim 48.

Applicants have also amended Claims 28 and 29, and have adopted the Examiner's suggestion to amend Claims 36 and 37. Applicants submit that these amendments do not narrow the scope of the claims.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

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Rejection of Claims 1, 2, 12, 14, 15, 18, 20, 22, 25, 27, 28, 31, 32, 36, 37, 40, 41, and 44-46 Under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Pat. No. 5,591,139 (Lin et al., first cited in IDS filed on January 21, 2000)

The Examiner maintains the rejection under 35 U.S.C. § 102(b) in view of Lin for the reason of record. In response to Applicants' argument advanced in the previous response, the Examiner argues that "[c]laim analysis involves a comparison of the claimed structure with the disclosed structure of the prior art, not a comparison of the choice of terms used by Applicant and the prior art to describe their respective inventions."

Although not acquiescing in the reasoning of the Office Action, Applicants have canceled independent Claims 1, 9, 15, and 20, and amended the dependent claims to depend on the allowed independent claims. Since Applicants have canceled the rejected claims, the rejection is rendered moot. Applicants further submit that the dependent claims are also allowable because they incorporate all limitations of the allowed independent claims.

Therefore, Applicants submit that all pending claims are novel and non-obvious over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejection of Claims 1-4, 6, 7, 10, 15, 27, 29-34, 36, and 40 Under 35 U.S.C. § 103(a) as being obvious over JP 7-132119 (Yoshihiko, first cited in IDS filed on January 21, 2000) in view of Lin (supra)

The Examiner argues that Yoshihiko teaches all the limitations of the claimed invention, except that the length of the microneedles being between 500 μ m and 1 mm, while Lin allegedly cures the defect.

Since Applicants have canceled the rejected claims, the rejection is rendered moot.

Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Rejection of Claims 1, 2, 11, 14-17, 19-21, 23, 24, 27, 28, 30-32, 35-37, 40, 41, and 44-46 Under 35 U.S.C. 103(a) as being obvious over U.S. Pat. No. 5,801,057 (Smart et al., first cited in IDS filed on January 21, 2000) in view of Lin (supra)

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The Examiner argues that Smart teaches all the limitations of the claimed invention, except that the length of the microneedles being between 500 μ m and 1 mm, while Lin allegedly cures the defect.

Since Applicants have canceled the rejected claims, the rejection is rendered moot.

Thus reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Double Patenting

The Office Action objects Claims 8, 9, 13, and 26 for allegedly being a substantial duplicate of Claim 53.

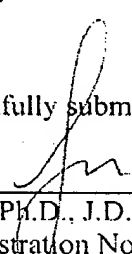
Due to the claim amendments, this objection is rendered moot. Reconsideration and withdrawal of the objection are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should any additional fee be required for timely consideration of this submission, please charge the fee to **Deposit Account No. 18-1945**, from which the undersigned is authorized to draw under Order No. **BVTP-P01-539**.

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Respectfully submitted,

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